

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order No. R1-2008-0112

For
Discharges in Violation of the Water Quality Control Plan
for the North Coast Region and
State Water Resources Control Board Order No. 2006-0003-DWQ

In the Matter of
Humboldt Community Services District
WDID No. 1SSO11419

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), having received from the Humboldt Community Services District (hereinafter Discharger) a waiver of the right to a hearing in the matter of civil penalties issued pursuant to Water Code section 13385, subdivisions (a)(2) and (a)(4) for discharges of untreated municipal wastewater in violation of the Water Quality Control Plan for the North Coast Region and in violation of Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (GWDRs), as a result of Sewer System Overflows (SSOs) and having received a request for the opportunity to implement a Project in lieu of paying a portion of the penalty prescribed, finds the following:

1. The Discharger owns and operates the municipal wastewater collection system that serves the surrounding unincorporated areas of Eureka. The Discharger has 29 lift stations to service a sewered population of approximately 16,000 people. The Discharger pumps its wastewater into the City of Eureka's Elk River wastewater treatment facility, which is regulated by Waste Discharge Requirements, NPDES Permit No. CA0024449.
2. Water Code section 13385, subdivision (a)(2) allows the Regional Water Board to assess administrative civil liabilities against a discharger for violation of any waste discharge requirements. The Discharger's wastewater collection and pumping system is regulated in part by the GWDRs adopted by the State Water Resources Control Board on May 2, 2006. The Discharger enrolled in the GWDRs on October 13, 2006. The GWDRs prohibit the discharge of untreated or partially treated wastewater from sanitary sewer systems to waters of the United States.
3. Water Code section 13385, subdivision (a)(4) states in part that a discharger is subject to administrative civil liability if the discharger violates a discharge prohibition contained in a water quality control plan or waste discharge requirements. The Water Quality Control Plan for the North Coast Region prohibits the discharge of waste into Humboldt Bay.

4. During the period from January 2, 2002 to September 30, 2007, the Discharger experienced sixteen SSO events resulting in discharges of untreated wastewater to Humboldt Bay, its tributaries, and public and private lands. Two of the SSO events encompassed multiple separate overflows. Power outages and heavy rainfall caused more than half of the SSOs that occurred. This is partially due to the fact that with high annual precipitation, the Discharger is at a high risk of having excessive inflow and infiltration (I&I). The rest of the SSOs were caused by failures in the sewer system, such as line collapses, blockages, and valve/fitting failures.
5. On May 21, 2008, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2008-0064 (ACLC) assessing a civil liability of \$25,000 for the violations described in Finding 4 above. The Discharger waived its right to a public hearing and requested to pay the sum of \$10,000 to the State Water Pollution Cleanup and Abatement Account (CAA) and to spend the remaining balance of \$15,000 on a Project. The Discharger paid \$10,000 into the CAA on June 19, 2008.
6. The proposed Project will upgrade the system by installing new pumps at the Edgewood Lift Station. Any overflow from this station has the potential to affect surface water due to the station's close proximity to Ryan Slough and Humboldt Bay. The new pumps will increase pumping capacity and improve the Discharger's ability to compensate for high inflow rates with a wider margin of safety. This project will protect the beneficial uses of Humboldt Bay by lessening the chances of an overflow at the lift station. The Project is projected to cost \$18,000, which will fulfill the outstanding \$15,000 balance.
7. Government Code section 11415.60, subdivision (a) states that an agency may formulate and issue a settlement on any terms the parties determine are appropriate. The Regional Water Board and the Discharger concur that the Discharger's proposal described in Finding 6 is a fair settlement of the ACLC and is in the interest of the public. The proposed settlement has been properly noticed for public review, and the Regional Water Board has considered all comments.
8. A duly noticed public hearing on this matter was held before the Regional Water Board on December 11, 2008 at the Regional Water Board Office in Santa Rosa, California. The documents for the agenda item were provided to the Discharger and made available to the public prior to the hearing. The Discharger and the public were given the opportunity to testify and present evidence regarding the proposed settlement.
9. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21177) pursuant to title 14, California Code of Regulations, sections 15308 and 15321, subdivision (a)(2).

10. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Resources Control Board within thirty days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED, pursuant to Water Code section 13385, that:

1. The Discharger shall be assessed a total civil liability of \$25,000. The Discharger has paid the sum of \$10,000 to the CAA. The Discharger shall spend the remaining sum of \$15,000 toward the completion of a Project to upgrade the pumps at the Edgewood Lift Station. Upon the Executive Officer's determination that the Project, as described in Finding 6 of this Order, has been completed, the remaining \$15,000 liability will be suspended. If the final project cost is less than \$15,000 the remaining balance shall be paid to the CAA. The sum of the project, and the amount paid to the CAA shall at least equal the amount of the full penalty. All payments, including money not used for the project, must be payable to the CAA.
2. The Discharger shall submit progress reports describing the planning and construction of the Project and shall complete the Project according to the following time schedule:

TASK	DUE DATE
Order pumps, install, and test pump rate	January 1, 2009
Submit final report to Regional Water Board. The report shall describe the completion of the project, an overall evaluation of the project, and its ability to meet the stated goal of increasing pump capacity, and provide an increased measure of pumping redundancy.	July 1, 2009

3. If, given written justification from the Discharger, the Executive Officer determines that adhering to the Project's implementation schedule is not possible, and the causes of that delay are beyond the reasonable control of the Discharger, the Executive Officer may revise the implementation schedule as appropriate. Written justification must be received by the Executive Officer before the specific due date occurs, must describe circumstances causing the delay, and must state when each task of the Project will be completed.

4. Failure to meet the deadlines above, including completing the Project, will result in the Discharger being required to pay the remaining \$15,000 penalty.
5. Notwithstanding the issuance of this Order, the Regional Water Board shall retain continuing jurisdiction to determine compliance with the terms of the suspended penalty provisions above, as well as the authority to assess additional penalties for other violations of the Discharger's waste discharge requirements.

Certification

I, Catherine Kuhlman, Executive Officer,
do hereby certify that the foregoing is a
full, true, and correct copy of an Order
adopted by the California Regional Water
Quality Control Board, North Coast
Region on December 11, 2008.

Catherine Kuhlman
Executive Officer

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